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SUB-TYPE: AFF-Affirmative

FR CITE: 78 FR 41784 FR CITE DATE: 07/11/2013

REFERENCE
MESSAGE #
(s):

CASE #(s): A-557-990, A-570-928

EFFECTIVE DATE: 05/23/2012 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PRELIMINARY AFFIRMATIVE DETERMINATION OF CIRCUMVENTION OF THE ANTIDUMPING DUTY ORDER ON UNCOVERED INNERSPRING UNITS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-928)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION

1. ON 07/11/2013, THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY AFFIRMATIVE DETERMINATION OF CIRCUMVENTION OF THE ANITDUMPING DUTY ORDER ON UNCOVERED INNERSPRING UNITS FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)(78 FR 41784) .

2. SCOPE OF THE ANITDUMPING DUTY ORDER

THE MERCHANDISE SUBJECT TO THE ORDER IS UNCOVERED INNERSPRING UNITS COMPOSED OF A SERIES OF INDIVIDUAL METAL SPRINGS JOINED TOGETHER IN SIZES CORRESPONDING TO THE SIZES OF ADULT MATTRESSES (E.G., TWIN, TWIN LONG, FULL, FULL LONG, QUEEN, CALIFORNIA KING, AND KING) AND UNITS USED IN SMALLER CONSTRUCTIONS, SUCH AS CRIB AND YOUTH MATTRESSES. ALL UNCOVERED INNERSPRING UNITS ARE INCLUDED IN THE SCOPE REGARDLESS OF WIDTH AND LENGTH. INCLUDED WITHIN THIS DEFINITION ARE INNERSPRINGS TYPICALLY RANGING FROM 30.5 INCHES TO 76 INCHES IN WIDTH AND 68 INCHES TO 84 INCHES IN LENGTH. INNERSPRINGS FOR CRIB MATTRESSES TYPICALLY RANGE FROM 25 INCHES TO 27 INCHES IN WIDTH AND 50 INCHES TO 52 INCHES IN LENGTH.

UNCOVERED INNERSPRING UNITS ARE SUITABLE FOR USE AS THE INNERSPRING COMPONENT IN THE MANUFACTURE OF INNERSPRING MATTRESSES, INCLUDING MATTRESSES THAT INCORPORATE A FOAM ENCASEMENT AROUND THE INNERSPRING. POCKETED AND NON POCKETED INNERSPRING UNITS ARE INCLUDED IN THIS DEFINITION. NON-POCKETED INNERSPRINGS ARE TYPICALLY JOINED TOGETHER WITH HELICAL WIRE AND BORDER RODS. NON-POCKETED INNERSPRINGS ARE INCLUDED IN THIS DEFINITION REGARDLESS OF WHETHER THEY HAVE BORDER RODS ATTACHED TO THE PERIMETER OF THE INNERSPRING. POCKETED INNERSPRINGS ARE INDIVIDUAL

COILS COVERED BY A "POCKET" OR "SOCK" OF A NONWOVEN SYNTHETIC MATERIAL OR WOVEN MATERIAL AND THEN GLUED TOGETHER IN A LINEAR FASHION.

UNCOVERED INNERSPRINGS ARE CLASSIFIED UNDER SUBHEADING 9404.29.9010 AND HAVE ALSO BEEN CLASSIFIED UNDER SUBHEADINGS 9404.10.0000, 9404.29.9005, 9404.29.9011, 7326.20.0070, 7320.20.5010, 7320.90.5010, OR 7326.20.0071 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES ONLY; THE WRITTEN DESCRIPTION OF THE SCOPE OF THE ORDER IS DISPOSITIVE.

3. SCOPE OF THE ANTICIRCUMVENTION INQUIRY

THE PRODUCTS COVERED BY THIS INQUIRY ARE UNCOVERED INNERSPRING UNITS, AS DESCRIBED ABOVE IN THE "SCOPE OF THE ANTIDUMPING DUTY ORDER" SECTION, THAT ARE MANUFACTURED IN MALAYSIA BY REZTEC INDUSTRIES SDN BHD (A-557-990-001) WITH PRC-ORIGIN COMPONENTS AND OTHER DIRECT MATERIALS, SUCH AS HELICAL WIRES, AND THAT ARE SUBSEQUENTLY EXPORTED FROM MALAYSIA TO THE UNITED STATES.

4. THE DEPARTMENT HAS PRELIMINARILY DETERMINED THAT ALL ENTRIES OF UNCOVERED INNERSPRING UNITS PRODUCED IN AND/OR EXPORTED FROM MALAYSIA BY REZTEC INDUSTRIES SDN BHD (A-557-990-001) THAT ENTERED, OR WERE WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER MAY 23, 2012, ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON UNCOVERED INNERSPRING UNITS FROM THE PRC.

5. FOR IMPORTS OF UNCOVERED INNERSPRING UNITS THAT MEET THE REQUIREMENTS FOR THE MERCHANDISE SUBJECT TO THE ANTIDUMPING DUTY ORDER AS DESCRIBED ABOVE, THAT WERE PRODUCED IN AND/OR EXPORTED FROM MALAYSIA BY REZTEC INDUSTRIES SDN BHD (A-557-990-001), AND THAT ENTERED, OR WERE WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MAY 23, 2012, UNITED STATES CUSTOMS AND BORDER PROTECTION (CBP) SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS. IN ADDITION, CBP SHALL REQUIRE FOR SUCH ENTRIES EXPORTED FROM MALAYSIA A CASH DEPOSIT RATE EQUAL TO 234.51% UNTIL YOU RECEIVE FURTHER INSTRUCTIONS. FOR ALL OTHER EXPORTS OF SUBJECT MERCHANDISE, YOU SHALL SUSPEND AT THE RATE APPLICABLE TO THE EXPORTER AT THE TIME OF ENTRY.

6. ENTRIES OF UNCOVERED INNERSPRING UNITS THAT MEET THE REQUIREMENTS FOR

THE MERCHANDISE SUBJECT TO THE ANTIDUMPING DUTY ORDER AS DESCRIBED ABOVE, THAT WERE PRODUCED IN AND/OR EXPORTED FROM MALAYSIA BY REZTEC INDUSTRIES SDN BHD (A-557-990-001), THAT ENTERED, OR WERE WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MAY 23, 2012, AND WHICH ARE SET FOR LIQUIDATION NEED TO BE UNSET IMMEDIATELY.

7. IF THERE ARE ANY QUESTIONS BY THE IMPORTING PUBLIC REGARDING THIS MESSAGE, PLEASE CONTACT THE CALL CENTER FOR THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE AT (202) 482-0984. CBP PORTS SHOULD SUBMIT THEIR INQUIRIES THROUGH AUTHORIZED CBP CHANNELS ONLY. (THIS MESSAGE WAS GENERATED BY O9: SDH.)

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party